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Docket No: 216379US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No: 09/990,264

Applicants: Hiroshi SUGIURA, et al.

Filing Date: November 23, 2001

For: FUEL CELL OUTPUT CHARACTERISTIC
ESTIMATION APPARATUS AND OUTPUT
CHARACTERISTIC ESTIMATION METHOD, FUEL
CELL SYSTEM AND VEHICLE HAVING THE
SAME, AND FUEL CELL OUTPUT CONTROL
METHOD AND DATA STORAGE MEDIUM

Group Art Unit: 1745

Examiner: MARTIN, ANGELA J.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Hiroshi SUGIURA, et al.

: GROUP ART UNIT: 1745

SERIAL NO: 09/990,264

FILED: NOVEMBER 23, 2001

: EXAMINER: MARTIN, ANGELA J.

FOR: FUEL CELL OUTPUT CHARACTERISTIC ESTIMATION APPARATUS AND
OUTPUT CHARACTERISTIC ESTIMATION METHOD, FUEL CELL SYSTEM
AND VEHICLE HAVING THE SAME, AND FUEL CELL OUTPUT CONTROL
METHOD AND DATA STORAGE MEDIUM

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

In response to the Restriction Requirement dated July 29, 2003, Applicants elect, with
traverse, Group I, Claims 1-7 and 8-13 for further examination on the merits in the present
application.

Applicants respectfully traverse the Restriction Requirement for several key reasons.

The restriction requirement asserts that the application contains claims to distinct
inventions. However, MPEP §803 states:

... If the search and examination of an entire application can be
made without serious burden, the Examiner must examine it on
the merits, even though it includes claims to distinct or
independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

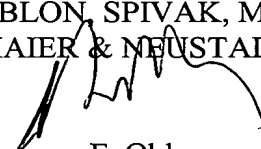
Accordingly, Applicants respectfully also traverse the outstanding restriction
requirement on the grounds that a search and examination of the entire application would not
place a *serious* burden on the Examiner.

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Response to Office Action dated July 29, 2003

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn,
and examination of Claims 1-7 and 8-13 be examined on the merits in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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